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SUBJECT: KAZAKHSTAN: CIVIL SOCIETY URGES VIGILANCE ON HUMAN RIGHTS

REF: (A) ASTANA 1470
(B) ASTANA 1183
(C) ASTANA 1516
(D) ASTANA 0260
(E) ASTANA 1761

¶1. (U) Sensitive but unclassified. Not for public Internet.

¶2. (SBU) SUMMARY: Civil society activists are expressing concern about what they see as Kazakhstan's "conservative shift" on political liberalization, pointing specifically to the recent conviction of human rights activist Yevgeniy Zhovtis, the Internet law, and libel judgments against independent newspaper "Respublika" as evidence. Several noted that Kazakhstan still lacks the necessary democratic institutions, like robust opposition parties or independent courts, "to right the wrongs." They see Kazakhstan's upcoming OSCE chairmanship as an important opportunity to promote further domestic reform and urge the international community to "hold Kazakhstan accountable." END SUMMARY.

CONSERVATIVE SWING?

¶3. (SBU) Leading civil society representatives have recently discussed with us their concerns about what they see as a "conservative shift" in Kazakhstan's political environment. Zhemis Turmagambetova, the head of the Charter for Human Rights, and Anna Alexandrova, country director for Soros Foundation, Kazakhstan, pointed in late September to the recent conviction of Kazakhstan's leading human rights activist Yevgeniy Zhovtis (ref A), libel judgment against opposition newspaper "Respublika," and the Internet law (ref B) as evidence of this "shift" and worsening media situation. Freedom House's country director Iva Dobichina told the Ambassador on September 9 that the government seemed "more interested" in engaging civil society in 2008, particularly in the drafting of the "Madrid Commitments" legislation and the National Human Rights Action Plan (ref C), but that this willingness to engage has recently waned. Dobichina identified the draft law on religion, which was overturned by the Constitutional Council in February (ref D), as the last progressive achievement before what she called the "beginning of a closing." She considers arrests of high-level business leaders on charges of corruption as part of this chronology, followed by the internet law.

WHAT'S BEHIND THE SHIFT?

¶4. (SBU) Dobichina postulated that this political "closing" could be a sign that "the old guard" -- the conservative politicians in President Nazarbayev's circle -- are gaining more influence on policy (ref E). Charter for Human Rights' Turmagambetova had a more nuanced approach, "There is no master plan to shut down civil liberties in Kazakhstan. However, there are no real opposition parties to warn when things go wrong, nor are there independent courts to right the wrongs. You cannot have human rights without independent courts." Although Zauresh Battalova, the president of Astana Polyton discussion club and former Senator, does not believe the situation is getting worse, she asserts that it is "changing direction." "Opposition parties and independent media have been made inconsequential," she argued, "so now they [the authorities] can go after human rights defenders like Zhovtis."

INTERNATIONAL COMMUNITY ENGAGEMENT

¶5. (SBU) Polyton's Battalova highlighted her ardent support for Kazakhstan's bid for the 2010 Chairmanship of the Organization for Security and Cooperation in Europe (OSCE), because it was an "opportunity to raise Kazakhstan to international standards." She said she was disappointed by the "cosmetic" legislative reforms the government implemented to fulfill its Madrid Commitments, but she believes that the 2010 Chairmanship is still "an important opportunity," because it "shines a spotlight on Kazakhstan's record." She urged OSCE member states to "hold Kazakhstan accountable" and to pay particular attention to civil and political rights -- "the basics of democracy." Almaty Helsinki Committee's chair Ninel Fokina encouraged us to "keep the focus" on the implementation of the National Human Rights Action Plan, "It is a good plan, it is good that it exists, but now the government needs to implement it." Charter for Human Rights' Turmagambetova asserted that she is "counting" specifically on OSCE leading states -- "the United States, the United Kingdom, France, Germany" -- "to speak up when things go wrong."

¶6. (SBU) COMMENT: We agree with civil society leaders that Kazakhstan's OSCE chairmanship presents a special opportunity to press for further domestic reforms. Several civil society activists who traveled to Warsaw for the OSCE Human Dimension Implementation Meeting (HDIM) reported their favorable impressions of the Kazakhstani delegation's receptiveness to NGO views, even during sessions critical of Kazakhstan's record. As previously noted, Kazakhstan's political leadership is not monolithic. While we continue to monitor the struggles within Nazarbayev's inner circle, we must continue to encourage the liberals, both through engagement in Astana and at the OSCE in Vienna. END COMMENT.

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